

**REMARKS**

Claims 1, 4-17, 19-29, 31-40, 42-48, 50-56, 58-60, 62-68, and 70-71 are pending in the application.

Claims 1-71 have been rejected.

Claims 1, 4-6, 8, 11, 13-14, 19-20, 22, 24, 27-29, 31-35, 37-39, 42-43, 48, 50-55, 58-60, 62-67, and 70-71 have been amended. Support for these amendments can be found, at least, in paragraphs 40, 44, and 62-63. No new matter has been added.

Claims 2-3, 18, 30, 41, 49, 57, 61, and 69 have been cancelled.

**Informalities**

Claim 24 is objected to because it depends from itself. Claim 42 is also objected to because it depends from itself. Appropriate correction has been made, and thus Applicants believe that this rejection is now moot.

**Rejection of Claims under 35 U.S.C. §102(e)**

Claims 1-5, 8-10, 13, 22-25, 27-30, 32, 33, 36-38, 48, 49, 51, 52, 60, 61 and 64 stand rejected under 35 U.S.C. §102(e) as being anticipated by Liu et al. (USPPN 2002/0146016) ("Liu"). Applicants respectfully traverse this rejection with respect to the amended claims.

As amended, claim 1 recites:

a control unit coupled to the output port;

a queue configured to store a copy of a packet forwarded to the output port; and

a memory coupled to the output port,

wherein the output port is configured to output packets for transmission

via a network tunnel,

wherein the network tunnel aggregates a plurality of flows,

wherein the memory is configured to store information,

wherein the information identifies packets which have been forwarded via

the network tunnel, and

wherein the queue indicates how many packets in each of the flows are

outstanding within the network tunnel.

The cited art fails to teach or suggest several of the features of claim 1, including a queue that stores packets that have already been forwarded via the network tunnel and

that indicates how many packets in each of several flows are outstanding within the network tunnel. None of the cited portions of Liu teach or suggest this feature.

In the rejection of originally-presented claims 6 and 7, the Office Action relies upon Le Gouriellec et al. (USPPN 2003/0112756) (“Le Gouriellec”) to teach a system that includes a queue and that aggregates multiple flows (Office Action, p. 13-14), however, Le Gouriellec’s queue is not a queue for packets that have not yet been sent (packets are stored in the queue “for transmitting via an output port”), not for storing packets that have already been sent via the network tunnel. Le Gouriellec, paragraph 39. Accordingly, Le Gouriellec’s queue does not operate in the same manner as the queue of claim 1, and nothing in the cited art teaches or suggests that Le Gouriellec’s techniques would or should be applied to a queue like that described in claim 1.

For at least this reason, claim 1 is patentable over the cited art, as are dependent claims 4-5, 8-10, and 13. Claims 29, 32, 33, 36-38 48, 51, 52, 60, and 64 are patentable over the cited art for similar reasons.

With respect to claim 22, the cited art fails to teach or suggest an egress network device is configured to provide information to an ingress network device, where the information indicates whether a packet transmitted from the ingress network device to the egress network device was dropped in the network tunnel, as well as a capacity of a deferred forwarding queue within the ingress network device. In particular, none of the cited art teaches or suggests having a tunnel egress device send a tunnel ingress device information indicating a capacity of a deferred forwarding queue. For at least this reason, claims 22-25 and 27-28 are patentable over the cited art.

Claims 14-19, 21, 39-42, 44-46 and 55-58 stand rejected under 35 U.S.C. §102(b) as being anticipated by Chuah (USPN 6,487,689) (“Chuah”). These claims are patentable over the cited art for at least the foregoing reasons presented with respect to claim 22. In particular, Chuah fails to teach or suggest having a tunnel egress device send a tunnel ingress device information indicating a capacity of a deferred forwarding queue.

#### *Rejection of Claims under 35 U.S.C. §103(a)*

Claims 67-70 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chuah. Claim 6-7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Liu in view of Le Gouriellec. Claims 11 and 12 stand rejected under 35 U.S.C. §103(a)

as being unpatentable over Liu in view of Bishard (USPPN 2003/0165148). Claims 26, 34, 35, 53, 54, 65 and 66 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Liu in view of Brewer et al. (USPPN 2006/0062233). Claims 47 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Chuah in view of Brewer. Claims 20, 31, 43, 50, 59, 62, 63 and 71 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chuah in view of Bannister (USPN 6,145,032). Applicants respectfully traverse these rejections for at least the foregoing reasons presented above with respect to claims 1, 22, and 14.

### CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is invited to telephone the undersigned at 512-439-5087.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



Brenna A. Brock  
Attorney for Applicants  
Reg. No. 48,509  
Telephone: (512) 439-5087  
Facsimile: (512) 439-5099